

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**SAMUEL CHRISTOPHER MONTOYA**

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**1:21-MJ-00325-SH**

**ORDER**

Before the Court is the Government's Motion to Vacate Settings, filed April 30, 2021 (Dkt. 6).

Defendant was arrested pursuant to a Criminal Complaint from the United States District Court for the District of Columbia. Dkt. 1. Following an initial appearance, a preliminary hearing was set for May 5, 2021 at 2 p.m. Dkt. 5.

The Government now moves to vacate the preliminary hearing and transfer this case to the United States District Court for the District of Columbia. On April 30, 2021, the United States Attorney's Office for the District of Columbia filed an Information charging the Defendant with five misdemeanors. Dkt. 6 at 1. A copy of the Information is attached to the Motion. Dkt. 6-1. The Government argues that the filing of the misdemeanor information has mooted the preliminary hearing pursuant to Fed. R. Crim. P. 5.1(a)(4), which provides in relevant part that "a magistrate judge must conduct a preliminary hearing unless . . . the government files an information charging the defendant with a misdemeanor."

Having considered the Motion and finding good cause therefor, the undersigned Magistrate Judge hereby **GRANTS** the Motion to Vacate Settings (Dkt. 6). It is **ORDERED** that the preliminary hearing set for Wednesday, May 5 at 2 p.m. is **VACATED**.

**IT IS FURTHER ORDERED** that this case is **TRANSFERRED** to the United States District Court for the District of Columbia. Defendant is **ORDERED TO APPEAR** in the district court where the charges are pending to answer those charges.

**SIGNED** on April 30, 2021.



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SUSAN HIGHTOWER  
UNITED STATES MAGISTRATE JUDGE